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**From:** Sussman.Bob@epamail.epa.gov [Sussman.Bob@epamail.epa.gov]  
**Sent:** 11/29/2010 8:29:46 PM  
**To:** Mugdan.Walter@epamail.epa.gov  
**CC:** Conetta.Benny@epamail.epa.gov; Gilberg.Elliott@epamail.epa.gov; Enck.Judith@epamail.epa.gov; fischer.douglas@epa.gov; Garbarini.Doug@epamail.epa.gov; Woolford.James@epamail.epa.gov; king.david@epa.gov; Klawinski.Gary@epamail.epa.gov; Feldt.Lisa@epamail.epa.gov; Pavlou.George@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov; Southerland.Elizabeth@epamail.epa.gov; wmichaelmccabe@earthlink.net  
**Subject:** Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.


You note that you will share our resuspension and load proposal with the NGOs. Have we been sharing all our proposals with them? If not, why this one?

Btw, I just got a call from Brackett. He noted that Immelt is again calling the Administrator (in fact he has already placed the call) and will repeat that GE is at or close to its "bottom line."

Brackett also said that GE's analysis of Phase 1 capping is different from ours -- i.e. GE says that total avoidable capping was 25 percent during and unavoidable capping was 12 percent. He indicated that these numbers will be discussed at this afternoon's meeting with the company.

Finally, Brackett reported that GE agrees to make an opt-in decision by January 10 if we transmit our 15b package on December 13. Walter, do you want to confirm in writing?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

 Walter Mugdan---11/29/2010 03:10:59 PM---When last we met with the NOGs on November 2 I explained the basic framework of how we expect to org

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**From:** Walter Mugdan/R2/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net  
**Date:** 11/29/2010 03:10 PM  
**Subject:** Re: FYI: NRDC Blog on Hudson River Cleanup

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When last we met with the NOGs on November 2 I explained the basic framework of how we expect to organize Phase 2. I explained that some capping is nearly inevitable, but that our intention is to limit the area that can be capped. I explained what was at that time our mental construct of three "buckets" -- (1) beyond GE's control, (2) "near miss" and (3) "far miss". As you know, our approach now is slightly different: (1) beyond GE's control, (2) all other capping and (3) a sub-category of (2) that further limits the amount of capping over "inventory".

I believe we can and should provide an explanation of our approach in this crucial area.

Also, today we sent to GE a document describing our current position on Resuspension and Load. A copy of that document is attached for your information, and I will arrange that it be shared with the NGOs immediately.

## Ex. 5 Deliberative Process (DP)

[attachment "Resuspension Standard.11 27.docx" deleted by Bob Sussman/DC/USEPA/US]

Bob Sussman---11/29/2010 02:38:15 PM---Thanks Walter. I think we need some guidance on how to characterize our discussions with GE if press

From: Bob Sussman/DC/USEPA/US  
To: Walter Mugdan/R2/USEPA/US@EPA  
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net  
Date: 11/29/2010 02:38 PM  
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

I think we need some guidance on how to characterize our discussions with GE if pressed at the meeting. I do not think we can refuse to comment. I would prefer not to describe GE's proposals to us but feel we should be forthright about the issues under discussion. What do others think?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Walter Mugdan---11/29/2010 02:14:31 PM---You may wish to read this in advance of our meeting with the NGOs tomorrow:

From: Walter Mugdan/R2/USEPA/US

To: Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov

Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, Benny Conetta/R2/USEPA/US@EPA

Date: 11/29/2010 02:14 PM

Subject: FYI: NRDC Blog on Hudson River Cleanup

You may wish to read this in advance of our meeting with the NGOs tomorrow:

----- Forwarded by Walter Mugdan/R2/USEPA/US on 11/29/2010 02:12 PM -----

From: "Levine, Larry" <llevine@nrdc.org>

To: "Levine, Larry" <llevine@nrdc.org>

Date: 11/29/2010 01:35 PM

Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

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I thought you might be interested in this new post:

[http://switchboard.nrdc.org/blogs/llevine/will\\_sound\\_science\\_-\\_or\\_corpo.html](http://switchboard.nrdc.org/blogs/llevine/will_sound_science_-_or_corpo.html)